

## HAMPTON PLANNING BOARD

### Minutes

July 1, 2009 – 7:00 p.m.

**PRESENT:** Fran McMahon, Vice Chair  
Mark Olson, Clerk  
Robert Viviano  
Tracy Emerick  
Keith Lessard  
Robert Bilodeau, Alternate  
James Steffen, Town Planner

**ABSENT:** Mark Loopley, Chair  
Richard Bateman, Selectman Member

#### I. CALL TO ORDER

Vice Chairman McMahon began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

#### II. ATTENDING TO BE HEARD

- Change of Use – 860 Lafayette Road

Richard Johnson a principal from the AUI International Insurance Agency appeared along with Gerald Flynn the applicant and explained that the current location is vacant and it is proposed to become an insurance office. The parking spaces, number of employees and floor plan was explained. Mr. Lessard noted he would like to have dimensions on the plan. Mr. Steffen pointed out that the parking is not striped, and he recommends that they mark the parking onsite.

**MOVED** by Mr. Lessard to approve the change of use with the condition that the applicant provide an updated floor plan to the Planning Office to include dimensions of interior spaces, the restroom area and that the parking lot be striped appropriately with the 9 x 18 foot parking spaces prior to occupying the space.

**SECOND** by Mr. Emerick

**VOTE**                      **6-0-0**                      **MOTION PASSED**

- NTC Real Estate Development, Ocean View Suites 31-33 Ocean Blvd: Revised Floor Plan

Brad Richards and Keith Crowley appeared and the previous history of the property was discussed. They noted at the last meeting they were asked to bring in copies of the original floor plan dimensions which they provided. The kitchen area was discussed and it was noted there would be no stoves in the units. The applicants noted that they reduced the amount of common area in order to accommodate larger unit sizes. The Board noted that all original conditions remain in effect. It was reiterated that this property is considered a contel, and may not be used as a primary residence. Mr. Viviano questioned if the Fire Department should see the floor plan changes.

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**MOVED** by Mr. Viviano to approve the amended floor plan with the condition that the applicant has the revised floor plan approved by the Fire Department.

**SECOND** by Mr. Bilodeau

**VOTE**

**5-0-1**

**MOTION PASSED**

**Mr. McMahon Opposed**

**III. NEW PUBLIC HEARINGS**

**09-023      7 Gill Street**

Map: 223 Lot: 35

Applicant: Angelina Marquis

Special Permit to Impact Wetlands: Replace the existing fence and extend the fence to the rear boundary line and add a new 8' x 8' shed.

Owner of Record: Diane Gorman

**APPLICANT**

Diane Gorman and Angelina Marquis introduced themselves and described the application noting they would like to replace a fence. Mr. McMahon noted that there is a letter from the Conservation Commission dated 05/29/09. There was discussion about previous special permit decisions on the property. The Conservation Commission opposed the shed, as they did in 2004.

**PUBLIC**

No Comment

**BOARD**

There was discussion about the shed.

**MOVED** by Mr. Bilodeau to approve the replacement and extension of the fence portion of the special permit with the conditions of the Conservation Commission memo dated 05/29/09 and that the applicant obtains all necessary Federal and State permits. In addition he moved to deny the request to construct an eight by eight foot (8 x 8 SF) shed on the property.

**SECOND** by Mr. Emerick

There was discussion about previous applications for this property and that the Conservation Commission in 2004 stated that there shall be no further construction on the rear of the property.

**VOTE**

**6-0-0**

**MOTION PASSED**

**09-027      286 Towle Farm Road**

Map: 169 Lot: 7

Applicant: George Paul & Frances Paul

Condominium Conversion: Two (2) units

Waiver Request: Section V (E) Detailed Plan

**APPLICANT**

David and Frances Paul appeared with Attorney Peter Saari. Attorney Saari described the application, noting that both properties share a common driveway.

**PUBLIC**

No Comment

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No Comment

**MOVED** by Mr. Lessard to approve the waiver request Section V (E) Detailed Plan

**SECOND** by Mr. Viviano

**VOTE 6-0-0 MOTION PASSED**

**MOVED** Mr. Lessard to approve the condominium conversion for the referenced property with the conditions listed in the Planner's Memo dated 06/30/09.

**SECOND** by Mr. Emerick

**VOTE 6-0-0 MOTION PASSED**

**09-028 67 Plymouth Street**

Map: 305 Lot: 6

Applicant: Peter Baccus

Special Permit to Impact Wetlands: Install wooden stairs with railings in back of 67 Plymouth St to provide access to beach / river.

Owner of Record: Peter, Lauren & George Baccus

**BOARD**

Mr. McMahon noted that the applicant requested a continuance to the August 5, 2009 meeting.

**MOVED** by Mr. Emerick to continue the referenced application to the August 5, 2009 meeting.

**SECOND** Mr. Viviano

**VOTE 6-0-0 MOTION PASSED**

**09-029 143 Island Path**

Map: 281 Lot: 43

Applicant: Nancy Wheeler

Special Permit to Impact Wetlands: Construct a garage over an existing gravel driveway and a screen porch located on top of the existing deck. The existing shed is to remain and the garage will be attached to it.

**BOARD**

Mr. McMahon noted that the applicant requested a continuance to the September 2, 2009 meeting

**MOVED** by Mr. Lessard to continue the referenced application to the September 2, 2009 meeting.

**SECOND** Mr. Bilodeau

**VOTE 6-0-0 MOTION PASSED**

**IV. CONTINUED PUBLIC HEARINGS**

**09-022 65 Lafayette Road Continued from 06/03/09**

Map: 236 Lot: 1

Applicant: Brayton Energy LLC

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Special Permit to Impact Wetlands: Construction of a 15,000 square foot production / manufacturing facility and associated site improvements.  
Owner of Record: Lafayette Lending Trust

#### **APPLICANT**

John Karp representing Brayton Energy appeared and gave a brief explanation the company and history of the project. There was discussion about the Conservation Commissions recommendations including the installation of rain gardens. Materials and trucking were discussed and Mr. Karp said there will be some large truck traffic to the building.

#### **PUBLIC**

No Comment.

#### **BOARD**

Mr. Lessard asked about building elevations; it was clarified that this application is the special permit and further on the agenda is a preliminary consultation for the property where site plan information will be discussed.

**MOVED** by Mr. Emerick to approve the special permit to impact the wetlands with the conditions listed in the Conservation Commission letters dated 06/26/09 and 05/29/09 and that the applicant obtains all necessary Federal and State permits.

**SECOND** Mr. Viviano

**VOTE**

**6-0-0**

**MOTION PASSED**

**09-015      1044 Ocean Blvd      Continued from 05/06/09, 06/03/09**

Map: 98 Lot: 8

Applicant: Dory Inn Condominium Association

Special Permit to Impact Wetlands: Replace stolen Rosa Rugosa bushes into original locations (four bushes).

#### **APPLICANT**

John Bisson, attorney for the Dory Inn and Kathy Sowerby appeared. Mr. Steffen noted that the Conservation Commission requested the application be continued, and that the Board delay making a decision so they can review the plan at their July meeting. Mr. Emerick noted that the application is just for the replacement of the bushes and the Board questioned the purpose of the special permit. Jay Diener from the Conservation Commission gave a brief history of the property, noting that there were potential violations they wanted to investigate prior to granting additional permitting. Additionally there were owners who were opposed to the project in the Dory Inn that the Commission wanted to investigate. Mr. Emerick noted that he believed these are issues that need to taken care of privately and are out of the scope of the Conservation Commissions responsibilities. Mr. Bisson described the replacement of the bushes. There was discussion about the letter submitted by a unit owner who did not wish to replace the bushes. Mr. Diener noted that they are requesting a special permit because originally the plantings were not permitted, and there is going to be alteration and landscaping in a buffer then a special permit is required.

#### **PUBLIC**

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Mary Stoney resident of the Dory Inn expressed her concern about the delay of their special permit.

**BOARD**

**No Comment**

**MOVED** by Mr. Emerick to approve the special permit to replace the four rosa rugosa bushes with the condition that the applicant obtain all necessary Federal and State permits.

**SECOND** by Mr. Viviano

**VOTE**                    **5-1-0**                    **MOTION PASSED Mr. McMahon opposed**

Mr. Viviano noted that he would like to have the Town Attorneys opinion about special permitting for plantings in the buffer zone.

**09-007**                    **4 Chase Street Continued from 02/04/09, 02/18/09, 04/01/09, 04/15/09, 06/17/09**

Map: 274 Lot: 57

Applicant: STM Trust c/o James Monagle

Special Permit to Impact Wetlands: Removal of existing structure and reconstruction of the dwelling. Increase height of structure to accommodate two additional levels.

**BOARD**

Mr. McMahon noted that the applicant requested a continuance to the August 5, 2009 meeting.

**MOVED** by Mr. Viviano to continue the referenced application to the September 16, 2009 meeting.

**SECOND** Mr. Bilodeau

**VOTE**                    **6-0-0**                    **MOTION PASSED**

**V. CONSIDERATION OF MINUTES of May 20, 2009**

Mr. McMahon noted that Chairman Loopley emailed Ms. Sicard some editorial changes which will be reflected in the final minutes.

**MOVED** by Mr. Emerick to approve the minutes as amended

**SECOND** by Mr. Viviano

**VOTE:**                    **5-1-0**                    **MOTION PASSED Mr. Bilodeau Abstained**

**VI. CORRESPONDENCE**

**VII. OTHER BUSINESS**

Mr. Lessard noted that the water tower on Mill Road did not provide a landscape plan as requested and he would like this investigated.

- Brayton Energy LLC, 65 Lafayette Road- Preliminary Consultation

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John Karp of Brayton Energy appeared and explained the demolition of the current Jerry's Restaurant building as well as the construction of a new building in its place for Brayton Energy. He noted that there is one main floor with a mezzanine. The exterior color is flexible, but the building will be steel construction with corrugated panels both on the roof and the walls similar to the current Brayton Energy location. Mr. Lessard asked about plantings in the front of the building to improve its image and the Board discussed the outside of the building. Mr. Karp noted they are looking to make a minimal visual impact on Lafayette Road. Electrical service and curbed islands, the placement of dumpsters and snow storage were discussed. Mr. Lessard noted he would like to see where the snow storage area will be on the site plan when they submit their application. Turning radius for tractor trailer trucks was described. Mr. Steffen noted that there is a minimum twenty two foot isle width for the parking lot. There was also mention of the parking lot being flooded during high tides and possible mitigating options to avoid flooding.

- Sharon Raymond- Storm water Management Regulations  
Ms. Raymond appeared and noted that since the last meeting she has further finalized some of the changes to the site plan and subdivision regulations in regards to stormwater management regulations. She noted that the NROC committee found that there was a need for more encouragement for low impact development (LID) stormwater management practices. The updates focus on prescriptive measures for ensuring maintenance of Stormwater BMPs, QA/QC of construction and maintenance and utilizing the NH Stormwater Manual for guidance/reference. The revisions are concentrated on Sect. VII.D (Site Plan Regulations) and VII.C (Subdivision Regulations), encouraging the use of BMPs that mimic natural hydrology and insuring no downstream impacts to abutters or water bodies. There will be definitions of Low Impact Development techniques and other changes focusing on changing the approach from "drainage" to stormwater management. There was discussion about being consistent with Federal requirements including the NPDES Phase II General Permit and the Federal Clean Water Act . There was mention of alteration of terrain rules, antidegradation and addressing water quality and quantity issues. The purpose of defining BMP installation is to make sure things are constructed properly, site conditions and materials are monitored and that DPW can determine and implement inspection requirements. There was discussion about the fees administrative piece and it being handled by the Planning Office. Mr. Lessard questioned runoff and 100 year storms. Ms. Raymond noted that if there needs to be a change it wouldn't be the wording 100 year storm it would be for the amount of rainfall that corresponds to a 100 year storm, these changes would be based on statistical models. The Board discussed acting on the July 15, 2009 meeting and that the public hearing has been noticed.

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- Mr. Emerick noted that he was asked to head the CIP committee meeting which has been scheduled for Tuesday July 21 starting at 1:00pm. Mr. Steffen asked for requests by 07/14/09.
- Mr. Emerick also commented on the Dory Inn decision. He noted that the applicant went to the Conservation Commission as they were expected to do. He said that although he supports the Conservation Commission, he believed that in this case the application should not have been held up due to disputes with the unit owners, as that is not part of the scope of Conservation Commission duties, and this is why he made the motion to that effect. Mr. Viviano agreed with Mr. Emerick and noted that he would still like an opinion from the Town Attorney regarding plantings in the wetland buffer zone. Mr. McMahon noted the reason he voted against the motion is that there is more involved in the application, and would have liked to see a letter of recommendation from the Conservation Commission prior to approval.
- The letter sent to the Town Manager regarding driveway permitting was discussed, Mr. Steffen noted he will provide the Board a copy of the letter that was sent.

## **VIII. ADJOURNMENT**

**MOVED** by Mr. Emerick to adjourn

**SECOND** by Mr. Bilodeau

**VOTE:**      **6-0-0**

**MOTION PASSED**

Meeting adjourned at 9:27 pm

Respectfully Submitted,

Candice Sicard, Administrative Assistant